

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Development of Nationwide Broadband)	WC Docket No. 07-38
Data to Evaluate Reasonable and Timely)	
Deployment of Advanced Services to All)	
Americans, Improvement of Wireless)	
Broadband Subscribership Data, and)	
Development of Data on Interconnected)	
Voice over Internet Protocol (VoIP))	
Subscribership)	

To: The Commission

COMMENTS OF HUGHES NETWORK SYSTEMS, LLC

I. INTRODUCTION

Hughes Network Systems, LLC (“Hughes”) submits these comments in the above-captioned proceeding to respond to the Further Notice of Proposed Rule Making (“*Further Notice*”). In the *Further Notice*, the Commission seeks comment on “the adoption of a national broadband mapping program with the objective of creating a highly detailed map of broadband availability nationwide” and on its tentative conclusion that “the Commission should collect information that [broadband] providers use to respond to prospective customers to determine on an address-by-address basis whether service is available.”¹ In addition the

¹ *Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership*, WC Docket No. 07-38, Report and Order and Further Notice of Proposed Rulemaking, FCC 08-89 at 19, ¶¶ 34-35 (rel. June 12, 2008) (*Further Notice*).

Commission seeks additional data on broadband subscriber service speeds and price information.²

Hughes urges the Commission not to impose the proposed additional data collection requirements on satellite broadband providers. The collection of additional data would be very costly and time-consuming for satellite broadband providers, and it would place a heavy burden on satellite broadband providers that is not offset by the limited insights that the Commission would gain from the information collected.

Hughes is the largest satellite Internet access provider to the North American consumer market, providing satellite broadband connectivity to more than 400,000 consumer and small business subscribers through its HughesNet service. Hughes is also the global leader in providing broadband satellite network solutions for large enterprises and governments. Hughes's customers use its network equipment and services for Internet and intranet access, voice services, private networking, connectivity to suppliers, franchisees and customers, credit authorization, inventory management, content delivery and video distribution to enterprises.

Currently, there are three satellite providers of broadband Internet access serving the residential and small business market segments in the United States ("U.S."), including Hughes.³ In the past two years, several of these satellite

² *Further Notice* at 19-21, ¶¶ 36-38.

³ The other two satellite broadband providers are WildBlue Communications and Starband, a subsidiary of Gilat Satellite Networks. *See Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible*

providers, including Hughes, have launched new satellites with higher data transfer speeds.⁴ Hughes's new Spaceway 3 satellite also provides service coverage for all of the contiguous U.S (excluding Alaska and Hawaii) making its HughesNet broadband service available to more than 99% of all U.S. residents.⁵

II. DISCUSSION

Satellite broadband providers, like Hughes, can provide virtually nationwide coverage unlike terrestrial wireline and cable providers that are restrained by their ability to build physical, connection lines street by street or terrestrial wireless providers with limited service coverage areas.⁶ As a result, satellite broadband access is available in remote areas where it is not physically possible or cost feasible for terrestrial providers to offer their broadband services. Satellite providers' deployment and subscribership trends are vastly different from those of terrestrial providers.

Hughes explains below that the Commission's request for additional data on where broadband service is available on an "address-by-address basis" is unnecessary for satellite providers with complete coverage of the 48 contiguous states of the U.S. Hughes also demonstrates that providing additional data on the

Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, Fifth Report, FCC 08-88 at 14, ¶ 24, n.72 (rel. June 12, 2008) (*706 Report*).

⁴ See *706 Report* at 14-15, ¶ 24, n.75.

⁵ The combined population of Alaska and Hawaii is less than one percent of the total U.S. population. See U.S. Census Bureau website at <http://www.census.gov/main/www/cen2000.html> (last visited July 15, 2008).

⁶ The only physical limitation on service coverage for satellite providers is that consumers must be able to install small satellite dishes which have a clear view of the southern sky in the direction of the orbiting satellites.

actual service speeds of satellite broadband subscribers would be very costly and time-consuming, and would not be more useful to the Commission than the speed data that is already provided by broadband providers. Finally, Hughes asserts that requiring satellite broadband providers to supply detailed price information on their subscription packages is onerous and unnecessary since pricing information is already available from other sources and most satellite providers, including Hughes, provide nationwide price plans that are readily accessible by the public.

A. There is No Need to Collect Address-Based Data on the Availability of Satellite Broadband Service From Satellite Operators That Make Broadband Available to CONUS.

The availability and deployment of broadband service is radically different for satellite providers than other terrestrial providers, and as a result it is unnecessary to require satellite providers to submit data to the Commission on where their satellite broadband service is available. The Commission proposes the adoption of a “national broadband mapping program” to show where in the U.S. broadband service is available and to facilitate creation of this mapping program.⁷ It tentatively concludes that all providers, including satellite providers, should be made to submit to the Commission information that providers use “to respond to prospective customers to determine on an address-by-address basis whether service is available.”⁸

Most satellite providers, including Hughes, offer their satellite broadband service to anywhere in the continental U.S. (“CONUS”).⁹ Thus, these satellite providers do not need or already have an existing system to check on the availability for prospective customers as presumed by the Commission’s tentative conclusion. Moreover, requiring satellite providers to collect address-by-address data would be a highly inefficient and massive undertaking that would not serve any public interest or business purpose. Since it is already, clear where satellite

⁷ *Further Notice* at 19, ¶ 35.

⁸ *Id.*

⁹ Hughes’s Spaceway 3 satellite is licensed to serve CONUS or the continental United States coverage, which excludes Alaska and Hawaii and other non-U.S. areas in North America. *See e.g.* SAT-MOD-20071011-00139 at 17 (showing a map of Spaceway 3’s coverage area).

broadband service is available based on satellite providers' public information materials,¹⁰ and their satellite coverage capabilities are a matter of record in satellite applications or letters of intent,¹¹ Hughes urges the Commission not to require satellite broadband providers to submit additional data related to the Commission's proposed national broadband mapping program.

B. Requiring Satellite Providers to Collect Data on Actual Consumer Service Speeds Would Be Very Costly, Time Consuming and Not More Useful than the Service Speed Capability Data Already Supplied to the Commission.

Requiring satellite broadband providers to collect data on the actual speeds consumers experience using their broadband services would be very burdensome due to the associated high costs and amount of time necessary to collect such data, as additional monitoring technology would need to be put in place on every broadband connection supplied by each provider. Hughes would have to give up some of its network capacity just to transmit the collected data from the subscribers' earth terminals to Hughes's network control center, and this would come at great expense to both Hughes and its customers.

In the Report and Order accompanying the *Further Notice*, the Commission notes that collecting such actual speed data directly from providers would "impose significant burdens" and would not be more helpful than the speed capability data already collected by the Commission, because "the 'actual' information transfer

¹⁰ See e.g. HughesNet website homepage clearly stating: "HughesNet is available anywhere in the contiguous US with a clear view of the southern sky, Alaska and Hawaii excluded," *available at* <http://www.hughesnet.com>.

¹¹ 47 C.F.R. 25.114(d)(4) (requiring information on areas to be served by a satellite).

speed that a particular customer experiences at any time is a function of myriad factors, many of which are beyond the broadband service provider's control and mask the true capabilities of the service."¹² Satellite broadband users' actual service speeds are likewise affected by various factors that can increase or decrease their users' transfer speeds. The amount of additional information on the time of day, location, message size, and so forth that Hughes would have to collect and transmit would only add to the burden on Hughes and its customers with no concomitant benefit.

Hughes supports the Commission's plan to create a voluntary system for consumers to self-report their actual broadband service speeds.¹³ A voluntary system will completely satisfy the Commission's stated objectives in seeking actual speed data.

C. Collecting Pricing Information from Providers is Unnecessary and Wasteful of Commission Resources.

Hughes opposes obligating broadband providers to provide price information on their services. The Commission's *Further Notice* presents a variety of different proposals on how the Commission could gather price information on broadband services.¹⁴ It would be more efficient for the Commission to examine readily available sources of pricing information than to impose an unnecessary, additional data collection burden on broadband providers and expend valuable Commission

¹² *Further Notice* at 12, ¶ 22, n.77 (*citing* AT&T's comments in this proceeding).

¹³ *Further Notice* at 9, ¶ 18.

¹⁴ *Further Notice* at 20-21, ¶ 37-38.

resources to analyze the data. The Commission itself recognizes that “other entities are already gathering pricing information on broadband services.”

If the Commission does impose a pricing information collection requirement, the Commission should allow providers to report the monthly national price for their broadband service. The proposal set forth in the *Further Notice* whereby providers, such as Hughes and other satellite providers, would submit national pricing information in lieu of individual state reports¹⁵ would create an added burden, but it would be the most appropriate option for satellite providers with nationwide broadband coverage.

¹⁵ *Further Notice* at 21, ¶ 38.

III. CONCLUSION

On the basis of the foregoing discussion, Hughes urges the Commission not to impose additional data collection requirements on satellite broadband providers. Satellite providers possess different deployment and service attributes that both make such requirements very burdensome and render much of the data to be generated of limited utility. The proposed measures are simply not useful for the Commission in its efforts to gauge the availability and deployment of broadband services in the United States.

Respectfully submitted,

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